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23122	7590	05/18/2006	EXAMINER	
RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980			PARRY, CHRISTOPHER L	
			ART UNIT	PAPER NUMBER
			2623	
DATE MAILED: 05/18/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/047,553		LOWNES, GEORGE	
	Examiner		Art Unit	
	Chris Parry		2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 5, 9, and 13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claim 13 is objected to because of the following informalities: In claim 13, line 8, "code information structure (CIS)" should be --card information structure (CIS)--. In claim 13, line 18, "can not" should be --cannot--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Asada et al. "Asada" (U.S. 6,981,253).

Regarding Claim 1, Asada discloses, a method (figure 12) for upgrading operational software in a host device (21 – figure 2) having a smart card interface (22 – figure 2), the host device including a read-only memory (51 – figure 2) having original software for the host device, comprising the steps of: providing a smart card (23 – figure 2) including data representing upgraded software for the host device (21 – figure 2) (Col. 6, lines 19-30). Upgraded software for set-top box 21 can be written to semiconductor memory 23 or "smart card" by an engineer (Col. 12, lines 18-32).

Asada teaches, interfacing the smart card (23 – figure 2) with the smart card interface (22 – figure 2) of the host device (21 – figure 2) (Col. 6, lines 19-21).

Asada teaches, recognizing, in the host device (21 – figure 2), the smart card (23 – figure 2) as including the upgraded software (Col. 11, line 63 – Col. 12, line 2).

Asada teaches, determining if the upgraded software is compatible with the host device (21 – figure 2) by comparing attributes of the upgraded software to that of the host device, the host device performing the determination of compatibility before the upgraded software is transferred from the smart card (23 – figure 2) (Col. 13, lines 6-35). Asada discloses CPU 32 will compare the function ID and hardware ID stored in flash ROM 50 with the function ID and hardware ID stored in semiconductor memory 23. Next, if CPU 32 determines if there is software stored on semiconductor memory 23

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having a matching function ID, CPU 32 will compare the software written to the flash ROM 50 with the software stored on semiconductor memory 23, to thereby determine whether a newer version of software is to be installed.

Asada teaches, if the upgraded software is determined to be compatible, transferring the upgraded software from the smart card to a memory of the host device to perform the code upgrade (S26 – figure 12; Col. 13, line 49 – Col. 14, line 1). Asada discloses the upgraded software is transferred from the semiconductor memory 23 or “smart card” to SRAM 52. If this process is successful, the data is transferred to flash ROM 50 from SRAM 52.

Asada teaches, verifying the software transferred to the memory using data stored on the smart card and if the transferred software can not be verified, restoring the original software from the read-only memory (51 – figure 2) (Col. 14, lines 1-20). Disclosed, once the data transfer is completed from SRAM 52 via semiconductor memory 23 or “smart card” to flash ROM 50, the CPU 32 will determine or verifies whether or not the software is transferred correctly to flash ROM 50. If the CPU 32 determines the downloading failed, the CPU 32 outputs a message to the display section 14 indicating the software cannot be downloaded. This message further indicates that the CPU 32 will not use the new software upgrade and must restore the original version of the software from ROM 51.

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5. Claims 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Metz et al. "Metz" (U.S. 5,666,293).

Regarding Claim 5, Metz discloses a smart card (Col. 22, lines 64-66) for providing a code upgrade to an open cable compliant host device (100 – figure 6) (Col. 22, lines 56-60), comprising a memory for holding upgraded software for delivery to the host device, the memory also including a card information structure (CIS) for identifying the smart card as a code upgrade card (Col. 22, line 61 – Col. 23, line 23). Metz discloses a PCMICA card is inserted into PCMCIA port 155, which is used by a technician to update the operating system of set-top box 100. Further, since a PCMCIA card is used, the card must have a memory and a card information structure because the card has to have a medium to store the update to the operating system and the card is a plug and play card meaning that the card has stored information identifying the driver that needs to be used with a particular device.

As for Claim 6, Metz teaches, the memory is a flash memory (Col. 21, lines 33-37).

As for Claim 7, Metz teaches wherein the smart card conforms to standards adopted by one of the personal computer memory card international association (PCMCIA) (Col. 21, lines 33-37 and 50-53).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Asada in view of Metz.

As for Claim 2, Asada fails to disclose assessing a card information structure (CIS) of the smart card and comparing the CIS to predetermined parameters, which identify the smart card as a software, upgrade smart card.

In an analogous art, Metz discloses, assessing a card information structure (CIS) of the smart card (Col. 22, line 61 – Col. 23, line 23). Metz discloses a PCMCIA card is inserted into PCMCIA port 155, which is used by a technician to update the operating system of set-top box 100. Further, since a PCMCIA card is used, the card must have a card information structure because the card is a plug and play card meaning that the card has stored information identifying the driver that needs to be used with a particular device.

Metz discloses, comparing the CIS to predetermined parameters which identify the smart card as a software upgrade smart card (Col. 23, lines 6-23). Therefore, it

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would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Asada with the teachings of Metz in order to assess the card information structure (CIS) of the smart card and compare the CIS to predetermined parameters which identify the smart card as a software upgrade smart card for the benefit of identifying the PCMCIA card as a necessary software upgrade rather than add on such as, a game module.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Metz in view of Asada.

As for Claim 8, Metz fails to disclose a smart card, further including identification data which identifies a host compliant device for which the upgraded software is intended.

In an analogous art, Asada teaches, a smart card, further including identification data which identifies a host compliant device for which the upgraded software is intended (Col. 13, lines 6-35). Asada discloses CPU 32 will compare the function ID and hardware ID stored in flash ROM 50 with the function ID and hardware ID stored in semiconductor memory 23 which reads on identification data that identifies a host compliant device for which the upgraded software is intended for.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Metz with the teachings of Asada in order to facilitate a smart card, further including identification data which identifies a host

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compliant device for which the upgraded software is intended for the benefit of allowing a host device to identify intended software upgrades.

9. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClellan et al. "McClellan" (U.S. 5,619,250) in view of Asada.

Regarding Claim 9, McClellan discloses an open cable compliant set top box (40 – figure 2) comprising: a point of deployment (POD) interface (52 – figure 2; Col. 7, lines 49-50 and 58-59).

McClellan teaches, a smart card, coupled to the POD interface (52 – figure 2) (Col. 7, lines 58-65).

McClellan teaches, a read-only memory (16 – figure 2) having original program data for the set top box (40 – figure 2) (Col. 6, lines 40-44 and 57-65). McClellan discloses decoding system 40 or set top box includes all of the components of the system described in figure 1 (Col. 7, lines 47-49).

McClellan teaches, a processor (12 – figure 2), coupled to the POD interface (52 – figure 2). CPU 12 or "processor" is coupled to PCMCIA interface 52 via data bus 20 and CPU 12 can search PCMCIA interface 52 for a system module or system upgrade (Col. 9, lines 35-45).

McClellan teaches, a memory (14, 50 – figure 2), coupled to the processor (12 – figure 2) the memory including: operational software that controls the set top box (40 – figure 2) (Col. 8, lines 12-24). McClellan discloses system upgrades or “operational software” can be stored in RAM 14 or FLASH memory 50. However, McClellan fails to disclose the memory including: a bootstrap loader and determining means.

In an analogous art, Asada teaches a bootstrap loader (48 – figure 2) which is configured to control the processor (32 – figure 1) to transfer program data from the POD interface (22 – figure 2) to the memory (50 – figure 2) to overwrite the operational software with upgraded software (Col. 12, lines 57-64 and Col. 13, lines 49-56). Asada discloses memory controller 48 or “bootstrap loader” receives instructions CPU 32 to read the download software from the semiconductor memory 23 inserted in slot 22 or “POD interface” and transfer data from semiconductor memory 23 to flash ROM 50 via SRAM 52.

Asada teaches, determining means which determines whether the upgraded software is compatible by comparing attributes of the upgraded software to that of the host device (23 – figure 2) (Col. 13, lines 6-35) and which verifies the program data transferred by the bootstrap loader using data stored on the smart card and, if the transferred program data can not be verified, restoring the original program data from the read only memory (Col. 13, line 64 – Col. 14, line 20). Asada discloses CPU 32 will compare the function ID and hardware ID stored in flash ROM 50 with the function ID and hardware ID stored in semiconductor memory 23. Next, if CPU 32 determines if there is software stored on semiconductor memory 23 having a matching function ID,

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CPU 32 will compare the software written to the flash ROM 50 with the software stored on semiconductor memory 23, to thereby determine whether a newer version of software is to be installed. Asada further discloses If, in step S23, a directory having the hardware ID is not found in the root directory of the semiconductor memory 23; if, in step S33, no function ID is found written to the flash ROM 50; if, in step S34, a directory having the function ID written to flash ROM 50 is not found below the directory having the hardware ID written to the semiconductor memory 23; and, if, in step S35, software having the target file name is not found in the directory having the function ID as its name, then the procedure goes to step S38, in which normal start processing is executed (Col. 14, lines 32-41). Further, once the data transfer is completed from SRAM 52 via semiconductor memory 23 or "smart card" to flash ROM 50, the CPU 32 will determine or verifies whether or not the software is transferred correctly to flash ROM 50. If the CPU 32 determines the downloading failed, the CPU 32 outputs a message to the display section 14 indicating the software cannot be downloaded. This message further indicates that the CPU 32 will not use the new software upgrade and must restore the original version of the software from ROM 51.

Asada teaches, wherein the set top box (21 – figure 2) determines the compatibility before the upgraded software is transferred from the POD interface (22 – figure 2) to the memory (50 – figure 2) (Col. 13, lines 6-38). Asada discloses if a new compatible version is found on semiconductor memory 23, then memory controller 48 will read data from semiconductor memory 23.

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Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McClellan with the teachings of Asada in order for memory to include a bootstrap loader and determining means for the benefit of only installing upgrades that are meant for the set top box and that provide a newer version of software (Asada – Column 13).

As for Claim 10, McClellan and Asada disclose, in particular McClellan teaches, wherein the smart card includes a card information structure (CIS) data which identifies the smart card as...a software update card (Col. 7, lines 58-65 and Col. 9, lines 35-45). McClellan discloses a PCMICA card is inserted into PCMCIA interface 52, which is used to update the operating system of set-top box 40 by CPU 12 searching for available system modules or “system upgrades”. Further, since a PCMCIA card is used, the card must have a card information structure because the card is a plug and play card meaning that the card has stored information identifying the driver that needs to be used with a particular device.

McClellan further discloses, the memory includes software, configured to control the processor to read CIS data (Col. 7, lines 58-65 and Col. 9, lines 35-45). McClellan discloses the PCMCIA card could be used to provide data storage, additional RAM, or system upgrades. With all the various applications PCMCIA card is capable of, the flash memory contained in each PCMCIA card must have stored on therein software to control CPU 12 in order for CPU 12 to search and identify system modules or “system upgrades” stored within the PCMCIA card.

As for Claim 11, McClellan and Asada disclose, in particular Asada teaches, wherein the smart card conforms to standards adopted by one of the personal computer memory card international association (PCMCIA) (Col. 7, lines 58-65).

As for Claim 12, McClellan and Asada disclose, in particular Asada teaches, the smart card (23 – figure 2) further includes identification data which identifies a host compliant device (21 – figure 2) for which the upgraded software is intended (Col. 13, lines 6-35). Asada discloses CPU 32 will compare the function ID and hardware ID stored in flash ROM 50 with the function ID and hardware ID stored in semiconductor memory 23 which reads on identification data that identifies a host compliant device for which the upgraded software is intended for.

Asada teaches, the memory further includes software that causes the processor to read the identification data from the smart card and to compare the identification data to identification data for the set top box (Col. 12, lines 57-64). Further, CPU 32 will compare the function ID and hardware ID or “identification data” stored in flash ROM 50 with the function ID and hardware ID stored in semiconductor memory 23 which reads on identification data that identifies a host compliant device (Col. 13, lines 6-27).

Asada teaches, whereby the processor determines if the software update is appropriate for the set-top box (Col. 13, lines 28-35).

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10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Asada in view of Metz.

As for Claim 3, Asada discloses the use of a smart card (23 – figures 1 and 2), however, Asada fails to disclose wherein the smart card includes NRSS conditional access protocols and the step of recognizing the smart as including the upgraded software includes accessing application information specified by the NRSS.

In an analogous art, Metz discloses wherein the smart card includes NRSS conditional access protocols and the step of recognizing the smart as including the upgraded software includes accessing application information specified by the NRSS (Col. 22, line 61 – Col. 23, line 5). Metz discloses using a NRSS interface because set-top box 100 comprises a NRSS Part B (PCMCIA) interface (155 – figure 6) for a PCMCIA card. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Asada with the teachings of Metz in order for the smart card includes NRSS conditional access protocols and the step of recognizing the smart as including the upgraded software includes accessing application information specified by the NRSS for the benefit of complying with the well known conditional access standard.

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11. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Asada in view of Metz and further in view of Kidder et al. "Kidder" (U.S. 2004/0031030).

As for Claim 4, Asada fails to disclose wherein the host device is an open cable compliant set top box, coupled to a cable head end and includes an out of band channel for transferring data between the host compliant device and the cable head end and the method further includes the step of sending a message to the cable head end via the out of band channel to indicate that the upgraded software has been transferred to the host compliant device.

In an analogous art, Metz teaches, wherein the host device (100 – figures 1 & 6) is an open cable compliant set top box, coupled to a cable head end (11 – figure 1) and includes an out of band channel for transferring data between the host compliant device and the cable head end (Col. 16, lines 38-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Asada with the teachings of Metz in order for an open cable compliant set-top box to be connected to a cable head end for the benefit of sending and receiving control information from the cable head end.

The combination of Asada and Metz fail to disclose sending a message to the cable head end via the out of band channel to indicate that the upgraded software has been transferred to the host compliant device. In an analogous art, Kidder discloses when an upgrade is completed; the control shim notifies the slave SMSs, which sends a

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message to the master SMS or “head end” indicating that the upgrade of software is complete (¶ 0494). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Asada and Metz with the teachings of Kidder in order to transmit a message to the headend indicating the installation of new software is completed for the benefit of notifying the headend of the latest version of software installed on the receiver.

12. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over McClellan et al. “McClellan” (U.S. 5,619,250) in view of Asada.

Regarding Claim 13, McClellan teaches, a method of providing a software upgrade to an open cable compliant host device (40 – figure 2) coupled to a cable television (CATV) headend (Col. 5, lines 60-63), the host device including a read-only memory (16 – figure 2) having original software for the host device (Col. 6, lines 40-44), comprising: providing a smart card including the software upgrade for transfer to the host device (40 – figure 2) (Col. 7, lines 58-65). Disclosed, a PCMCIA card or “smart card” can provide system upgrades via stored system modules (Col. 9, lines 35-39).

McClellan teaches, interfacing the smart card with a POD interface (52 – figure 2) of the host device (40 – figure 2) (Col. 7, lines 58-65).

McClellan teaches, resetting the host device (Col. 9, lines 41-45). McClellan discloses in order for data to be loaded from PCMCIA interface 52, decoder system 40 has to be initialized or “reset”.

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McClellan teaches, reading and processing a card information structure (CIS) of the smart card to identify the smart card as providing the software upgrade (Col. 9, lines 35-45). McClellan discloses upon initialization of decoder system 40, each system module is identified (Col. 8, line 51 – Col. 9, line 25). McClellan discloses a PCMCIA card is used to interface with PCMCIA interface 52 so as to facilitate transferring system modules or “system upgrades” from the memory of the PCMCIA card to either FLASH memory 50 or RAM 14. Also, since a PCMCIA card is used, the card must have a CIS to identify the PCMCIA card or “smart card”. Further, the steps CPU 12 takes to search for system modules on FLASH memory 50 and RAM 14 are repeated for PCMICIA card or “smart card” inserted in PCMICA interface 52.

However, fails to disclose determining if the software upgrade is compatible with the host device; if software upgrade is compatible, reading the software upgrade of the smart card; writing the software upgrade to a memory; and verifying the software written to memory.

In an analogous art, Asada teaches, determining if the software upgrade is compatible with the host device (21 – figure 2) by comparing attributes of the software upgrade to that of the host device, the host device performing the determination of compatibility before the software upgrade is read from the smart card (23 – figure 2) (Col. 13, lines 6-35). Asada discloses CPU 32 will compare the function ID and hardware ID stored in flash ROM 50 with the function ID and hardware ID stored in semiconductor memory 23. Next, if CPU 32 determines if there is software stored on semiconductor memory 23 having a matching function ID, CPU 32 will compare the

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software written to the flash ROM 50 with the software stored on semiconductor memory 23, to thereby determine whether a newer version of software is to be installed. Asada further discloses If, in step S23, a directory having the hardware ID is not found in the root directory of the semiconductor memory 23; if, in step S33, no function ID is found written to the flash ROM 50; if, in step S34, a directory having the function ID written to flash ROM 50 is not found below the directory having the hardware ID written to the semiconductor memory 23; and, if, in step S35, software having the target file name is not found in the directory having the function ID as its name, then the procedure goes to step S38, in which normal start processing is executed (Col. 14, lines 32-41).

Asada teaches, if the software upgrade is determined to be compatible, reading the software upgrade of the smart card (S26 – figure 12; Col. 13, lines 49-56).

Asada teaches, writing the software upgrade to a memory (50 – figure 2) of the compliant host device (21 – figure 2) (S27-S28 – figure 12; Col. 13, lines 64-67).

Asada teaches, verifying the software written to the memory (50 – figure 2) using data stored on the smart card (23 – figure 2) and if the written software cannot be verified, restoring the original software from the read-only memory (Col. 13, line 64 – Col. 14, line 20). Further, once the data transfer is completed from SRAM 52 via semiconductor memory 23 or “smart card” to flash ROM 50, the CPU 32 will determine or verifies whether or not the software is transferred correctly to flash ROM 50. If the CPU 32 determines the downloading failed, the CPU 32 outputs a message to the display section 14 indicating the software cannot be downloaded. This message further

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indicates that the CPU 32 will not use the new software upgrade and must restore the original version of the software from ROM 51.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McClellan with the teachings of Asada in order to determine if the software upgrade is compatible with the host device, writing the software upgrade to a memory and verifying the software written to memory for the benefit of only installing upgrades that are meant for the set top box and that provide a newer version of software (Asada – Column 13).

13. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over McClellan in view of Asada as applied to claim 13 above, and further in view of Kidder.

As for Claim 14, McClellan and Asada disclose, in particular Asada teaches, determining whether the software upgrade was successful (Col. 14, lines 1-20). However, McClellan and Asada fail to disclose sending a message to the headend when the software upgrade is complete.

In an analogous art, Kidder discloses sending a message to the headend when the software upgrade is complete (¶ 0494). Kidder discloses, when an upgrade is completed; the control shim notifies the slave SMSs, which sends a message to the master SMS or “head end” indicating that the upgrade of software is complete. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McClellan with the teachings of Kidder in order to

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transmit a message to the headend indicating the installation of new software is completed for the benefit of notifying the headend of the latest version of software installed on the receiver.

Note to Applicant

14. Art Units 2611, 2614 and 2617 have changed to 2623. Please make sure all future correspondence indicate the new designation 2623.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

PC Card Technology Primer (REF U – 892) – Discloses a basic introduction to PCMCIA and card information structure (CIS).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Parry whose telephone number is (571) 272-8328. The examiner can normally be reached on Monday through Friday, 8:30 AM EST to 4:30 PM EST.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiners Initials: _____
May 12, 2006

CLR


CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600